

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
2008 SEP -4 A 10: 57

DUBLIN DIVISION

CLERK *B McCarthy*
S.D. DIST. OF GA.

CLARENCE HENRY DANIELS,

Petitioner,

v.

DAVID FRAZIER, Warden,

Respondent.

CV 308-042

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Petitioner's motion for injunctive relief is **DENIED**, Petitioner's motion to proceed *in forma pauperis* is **MOOT**, Thomas Gramiak and Thurbert Baker are **DISMISSED** as improper party Respondents, this case is **DISMISSED** without prejudice, and this civil action is **CLOSED**.

SO ORDERED this 7th day of September, 2008, at Augusta, Georgia.

Rudolph H. Smith Jr.
UNITED STATES DISTRICT JUDGE